



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Public Hearing to Consider Adopting Resolution Vacating Pedestrian Access Between Holly Drive and Daisy Avenue, East of Ham Lane

MEETING DATE: June 5, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider adopting resolution vacating pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane.

BACKGROUND INFORMATION: The proposed vacation is requested by Mr. Tom Ushing, who resides at 700 Daisy Avenue. The proposed vacation is a 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive and 909 Holly Drive, as shown on Exhibits A and B.

The pedestrian access was dedicated to the City in 1955 as part of the Bel Air Estates Subdivision and was intended for use by George Washington Elementary School students living north of Holly Drive as a pathway to get to school. Recently, Lodi Unified School District modified the school boundaries so that students residing north of Holly Drive are now within the Lakewood School boundary, as shown on Exhibit C. Public Works staff contacted Lodi Unified School District and received support for the proposed vacation, as reflected in the attached email (Exhibit D).

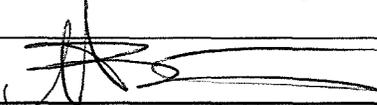
The request is primarily driven by property owners tired of dealing with increased transient use, graffiti, fights and even motorcycle use. However, the pedestrian access allows access to cross the Union Pacific Railroad tracks without any safety measures for pedestrians. Staff believes the crossing should also be eliminated for public safety.

On July 9, 2012, staff notified the four adjacent property owners in writing of the terms and conditions of the proposed vacation. The property owners will be required to remove the existing fencing, possibly the pavement and replace the fencing at the owners' expense. Three property owners responded with letters stating they would like to participate in the acquisition from the City. The home owners at 700 and 648 Daisy Avenue have both accepted and will receive half (five feet) of the City property. Of the two Holly Drive home owners, only the one at 915 Holly Drive wanted to participate and will therefore receive the entire City property (10 feet) located between 915 and 909 Holly Drive.

No public or private utilities are located within the 10-foot wide pedestrian access. All public and private utility companies have been contacted in writing and have approved the vacation of the pedestrian access.

As Council recalls, street abandonments normally go to the Planning Commission for a determination of whether the abandonment is consistent with the City's General Plan. However, the pathway easement before the Council tonight is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306). Public Service Easements are subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333). Because

APPROVED: _____


Konradt Bartlam, City Manager

this abandonment is based on public safety considerations, and because Planning Commission review is not required, staff elected not to take the additional time to pursue Planning Commission consideration.

The property within the proposed vacation is owned in fee by the City and will not automatically revert to the adjacent property owners upon vacation. The owners wish to acquire the vacated right-of-way to remedy the public safety issue referenced above. The cost to the property owners for the improvements to remove the existing fencing and concrete and install new fencing is close enough to the value of the property being vacated, particularly since the property would have little value on the open market. Staff feels that the owners' request is reasonable and is similar to past practice whereby street improvements have been exchanged for right-of-way dedications.

Staff recommends City Council authorize the City Manager to execute an agreement with the property owner for the exchange of the surplus right-of-way for the removal of the existing fencing and concrete and installation of new fencing, in conformance with City standards and to the approval of the Public Works Department.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.



F. Wally Sandelin
Public Works Director

Prepared by Chris Boyer, Associate Engineer

FWS/CRB/pmf

Attachments

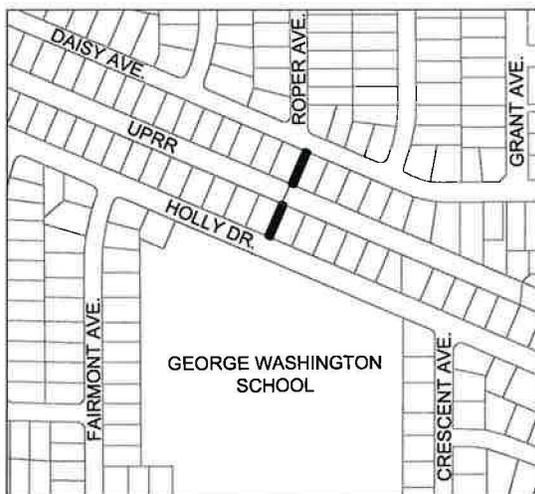
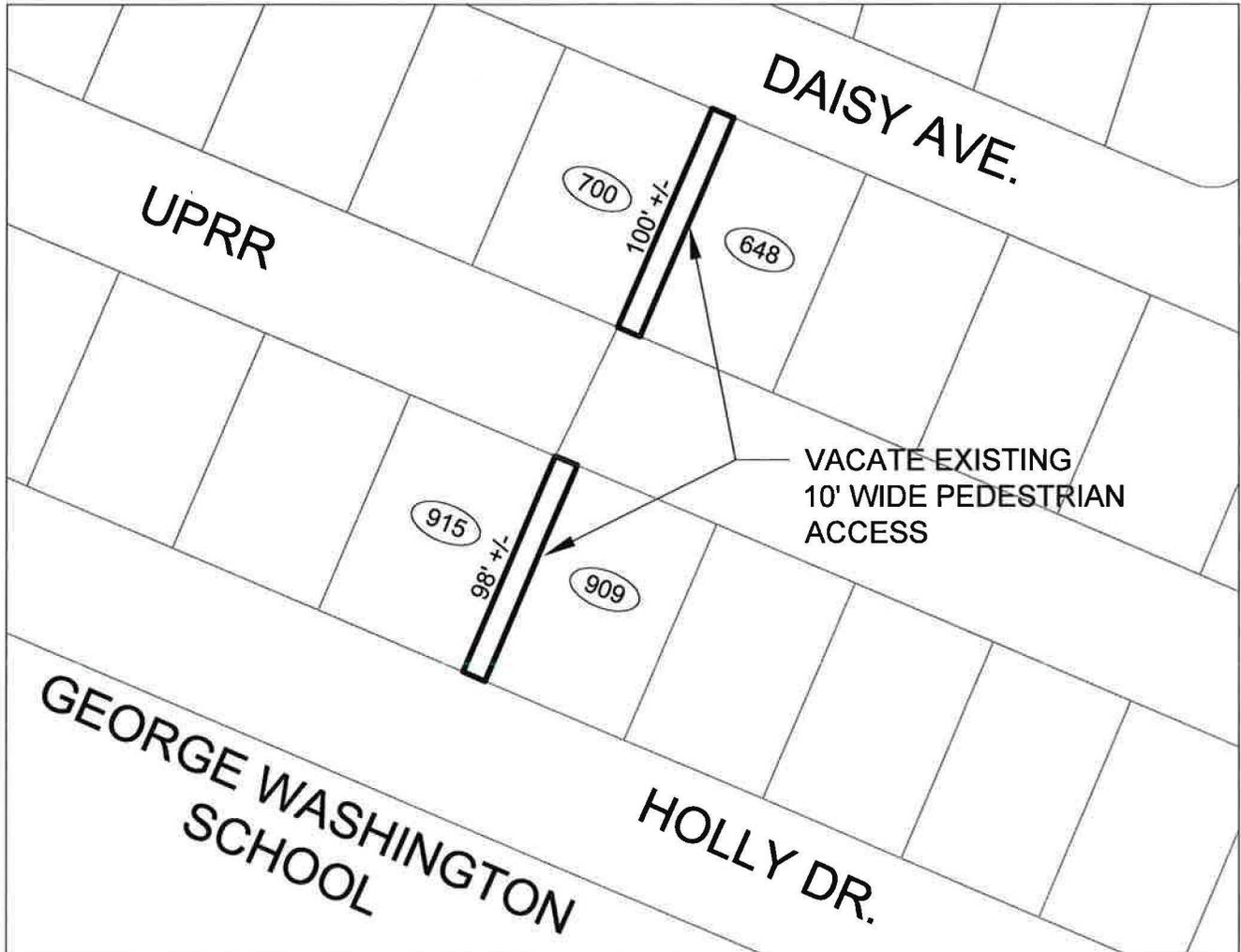
cc: Charlie Swimley, City Engineer/Deputy Public Works Director
Denise Wiman, Senior Engineering Technician



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.

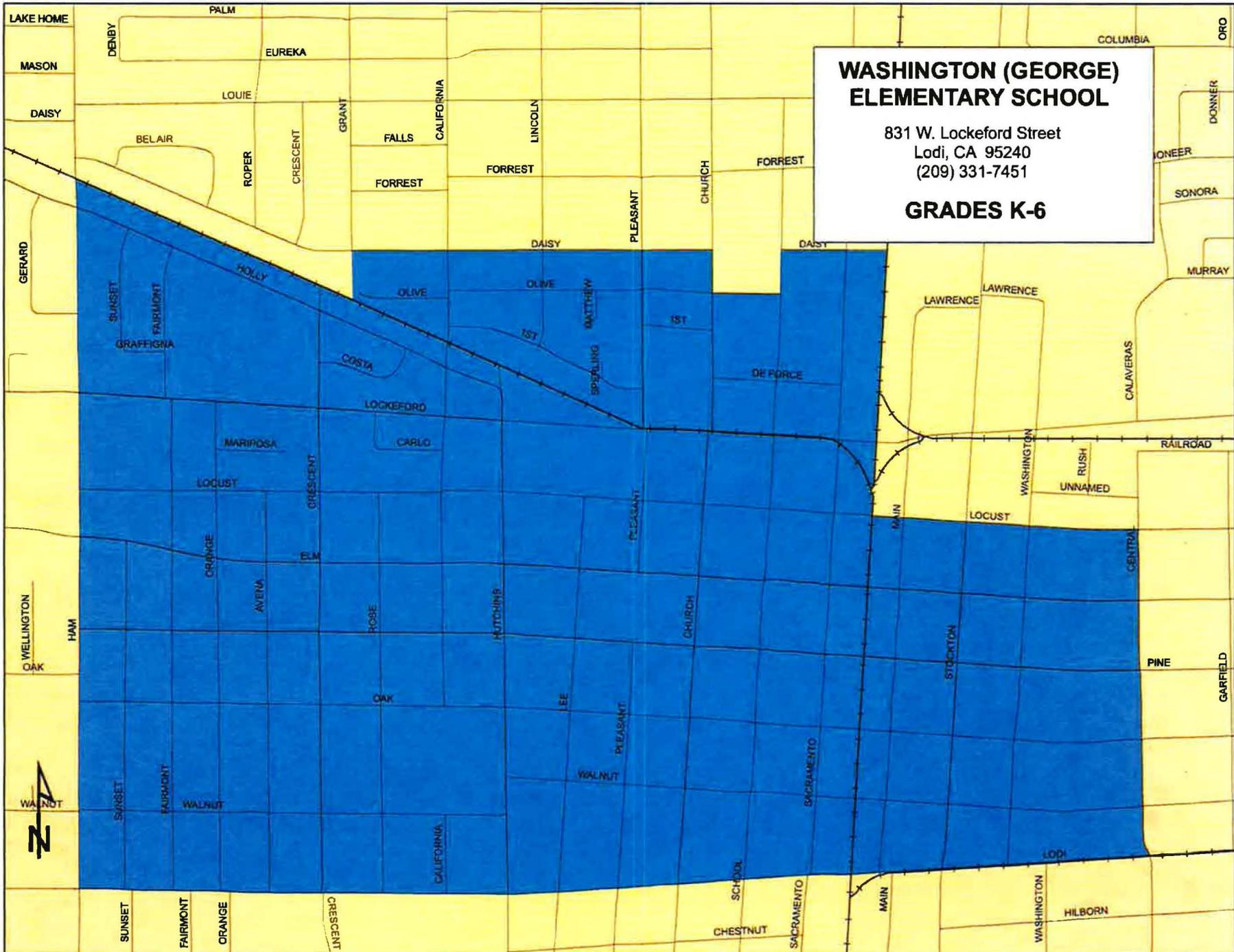


PROPOSED "WALKWAY" EASEMENT ABANDONMENT

Legend

 "Walkway" alley to be abandoned





Chris Boyer

From: Vickie Brum (Facility Planning) [vbrum@lodi.usd.net]
Sent: Monday, December 12, 2011 09:01 AM
To: Chris Boyer
Subject: Walkway Easement Abandonment

Follow Up Flag: Follow up
Flag Status: Flagged

Chris,
The District supports the City of Lodi quest to abandon the walkway easement off Daisy Avenue.
Let me know what you need the District to do to make this happen.
Sincerely,

*Vickie Brum
Planning Analyst II
Facilities and Planning
PHONE: 209.331.7223
FAX: 209.331.7229
EMAIL: vbrum@lodi.usd.net*

WHEN RECORDED, RETURN TO:
City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

AGREEMENT FOR THE ACQUISITION OF VACATED RIGHT-OF-WAY

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and CAROLINE L. LONG, Trustee of The Caroline L. Long Trust, hereinafter referred to as "Owner".

RECITALS:

City is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, depicted in Exhibit A attached hereto and incorporated herein by this reference and described as follows:

See Exhibit A

WHEREAS, the City has adopted Resolution of Vacation (Resolution No. _____ attached as Exhibit B) to vacate a 10-foot pedestrian access grant deed lying adjacent to Owner's parcel at 915 Holly Drive (APN 037-110-05); and

WHEREAS, the existing Public Service Easement is no longer used by the Lodi Unified School District; and

WHEREAS, the existing Public Service Easement contains no public or private utilities; and

WHEREAS, Owner wishes to acquire the vacated 10-foot pedestrian access to stop pedestrian access between Daisy Avenue and Holly Drive;

NOW THEREFORE, it is mutually stipulated and agreed as follows:

1. Owner agrees to remove and replace, at Owner's expense, the existing 10-foot pedestrian access with a fence along the new property line. The fence fronting the Union Pacific Railroad property shall be installed within 90 days of the execution of said agreement. Owner further agrees to remove the existing public improvements at its expense.
2. City agrees to present owner with a grant deed for the vacated pedestrian access in exchange for the above specified improvements.
3. Owner agrees to save, defend, indemnify and hold harmless the City, its officers, agents and employees, from liability of any nature whatsoever arising from Owner's use or occupation of the pedestrian access right-of-way.
4. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.

5. Herein is set forth the entire agreement between the parties. The performance of these conditions constitutes full performance and shall relieve City of all further obligations or claims.
6. In the event either party hereto breaches the terms, conditions and covenants of this Agreement, then, the prevailing party in any suit to enforce this Agreement or restrain the breach thereof, shall in addition to any other relief or damages awarded, be entitled to a reasonable attorney's fee and all costs of suit to be set and determined by any court of competent jurisdiction and added to any judgment obtained.
7. This agreement shall be recorded in the office of the San Joaquin County Recorder, P. O. Box 1968, Stockton, California, 95201-1968.

IN WITNESS WHEREOF, Owner and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

CAROLINE L. LONG

_____ Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Konradt Bartlam, City Manager

_____ Date

ATTEST:

_____ Randi Johl, City Clerk

_____ Date

APPROVED AS TO FORM:

_____ D. Stephen Schwabauer, City Attorney

DEED: 10' strip in vic. of Bel Air No. 2,
Lt. 19 and Holly Dr.

FROM: Max D. Stone, Bel Air Estates

DATE: February 4, 1958

RECORDED: February 13, 1958, Book 2042
page 214, Instr. No. 5680

ENCLOSURES:

1. Deed
2. Letter of Agreement

037-11

CITY OF LODI
CITY HALL, 221 W. PINE ST.
LODI, CALIFORNIA 95240

FEB 13 1958

THIS INDENTURE, made this 4th day of February, 1958, BETWEEN BEL AIR ESTATES, INC.

the part.Y. of the first part and the CITY OF LODI, a municipal corporation of the State of California, the party of the second part:

WITNESSETH, that the said party.. of the first part for value received, do hereby GRANT unto the said party of the second part and to its successors in governmental functions forever, all the certain lot....., piece....., or parcel..... of land situate, lying and being in the County of San Joaquin, State of California, and bounded and particularly described as follows:

A strip of land Ten (10) feet in width being more particularly described as follows:

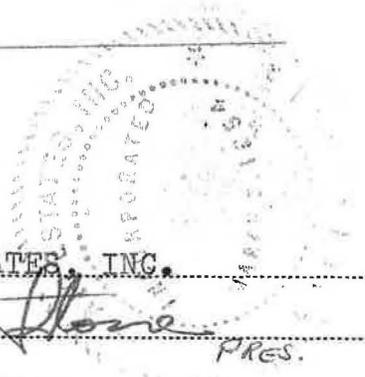
Beginning at the Southeast corner of Lot 19, Bel Air Estates Unit 2, as filed for record December 28, 1955 in Vol. 14, page 79, Book of Maps and Plats, San Joaquin County Records; thence North 67°18' West along the South line of said Lot 19 and the North line of the Southern Pacific Railroad Company right of way 20.19 feet; thence South 22°42' West 60 feet to a point on the South line of the Southern Pacific Railroad Company right of way and the true point of beginning; thence South 22°42' West 95 feet to a point on the North line of Holly Drive; thence North 67°18' West along the North line of Holly Drive and parallel to the South line of the Southern Pacific Railroad Company right of way 10 feet; thence North 22°42' East 95 feet to a point on the South line of the Southern Pacific Railroad Company right of way; thence South 67°18' East along the South line of the Southern Pacific Railroad Company right of way 10 feet to the true point of beginning.

Description approved:

JW Chapman Asst City Engr

Dated: Feb. 4, 1958

BEL AIR ESTATES, INC. By: Max D. Stone PRES.



STATE OF CALIFORNIA, COUNTY OF San Joaquin

SS.

5680

ON THIS 4th day of February, 1958, before me, Delpha Mooberry a Notary Public in and for said County and State, personally appeared Max D. Stone, known to me to be the President, and Secretary of the the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS, my hand and official seal.

Delpha Mooberry Notary Public in and for said County and State.

WHEN RECORDED, RETURN TO:
City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

AGREEMENT FOR THE ACQUISITION OF VACATED RIGHT-OF-WAY

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and AUDRIE E. FUGATE, Trustee of the AUDRIE E. FUGATE REVOCABLE LIVING TRUST, hereinafter referred to as "Owner".

RECITALS:

City is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, depicted in Exhibit A attached hereto and incorporated herein by this reference and described as follows:

See Exhibit A

WHEREAS, the City has adopted Resolution of Vacation (Resolution No. _____ attached as Exhibit B) to vacate a 5-foot pedestrian access grant deed lying adjacent to Owner's parcel at 648 Daisy Avenue (APN 039-190-19); and

WHEREAS, the existing Public Service Easement is no longer used by the Lodi Unified School District; and

WHEREAS, the existing Public Service Easement contains no public or private utilities; and

WHEREAS, Owner wishes to acquire the vacated 5-foot pedestrian access to stop pedestrian access between Daisy Avenue and Holly Drive;

NOW THEREFORE, it is mutually stipulated and agreed as follows:

1. Owner agrees to remove and replace, at Owner's expense, the existing 5-foot pedestrian access with a fence along the new property line. The fence fronting the Union Pacific Railroad property shall be installed within 90 days of the execution of said agreement. Owner further agrees to remove the existing public improvements at its expense.
2. City agrees to present owner with a grant deed for the vacated pedestrian access in exchange for the above specified improvements.
3. Owner agrees to save, defend, indemnify and hold harmless the City, its officers, agents and employees, from liability of any nature whatsoever arising from Owner's use or occupation of the pedestrian access right-of-way.
4. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.

5. Herein is set forth the entire agreement between the parties. The performance of these conditions constitutes full performance and shall relieve City of all further obligations or claims.
6. In the event either party hereto breaches the terms, conditions and covenants of this Agreement, then, the prevailing party in any suit to enforce this Agreement or restrain the breach thereof, shall in addition to any other relief or damages awarded, be entitled to a reasonable attorney's fee and all costs of suit to be set and determined by any court of competent jurisdiction and added to any judgment obtained.
7. This agreement shall be recorded in the office of the San Joaquin County Recorder, P. O. Box 1968, Stockton, California, 95201-1968.

IN WITNESS WHEREOF, Owner and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

AUDRIE E. FUGATE

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Konradt Bartlam, City Manager

Date

ATTEST:

Randi Johl, City Clerk

Date

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney

039-18

File No.

DEED

COMPARED

№ 9

549

TO
CITY OF LODI
(A Municipal Corporation)

Dated 19.....

RECORDED AT THE REQUEST OF

CITY OF LODI

FEB 13 1958, A. D., 19

at min. past o'clock

A. M., in Vol. OFFICIAL RECORDS

of BOOK 2042 PAGE 218

SAN JOAQUIN

County Records.

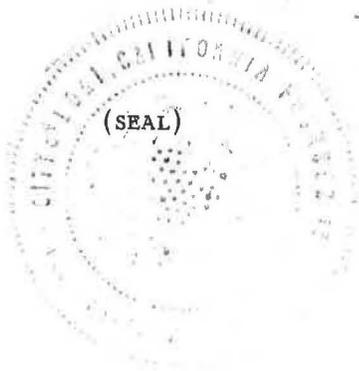
Recorder
Martha H. Dehler

Deputy-Recorder
John Faszer

This is to certify that the interest in real property conveyed by the Deed
or Grant dated January 30, 1958 from
John Faszer and Emma Faszer

to the City of Lodi, a political corporation, is hereby accepted by the under-
signed pursuant to order of the City Council adopted on September 18, 1957,
a certified copy of which Resolution was recorded on September 20, 1957, in
Volume 2002, Page 283, Official Records of San Joaquin County, and the
Grantee consents to recordation thereof by its duly authorized agent.

DATED: February 6, 1958



Beatrice Gould

THIS INDENTURE, made this 30th day of January, 1958, BETWEEN JOHN FASZER and EMMA FASZER

the part... of the first part and the CITY OF LODI, a municipal corporation of the State of California, the party of the second part:

WITNESSETH, that the said part... of the first part for value received, do hereby GRANT unto the said party of the second part and to its successors in governmental functions forever, all the ... certain lot..., piece..., or parcel... of land situate, lying and being in the ... County of San Joaquin, State of California, and bounded and particularly described as follows:

A strip of land Five (5) feet in width being more particularly described as follows:

Beginning at the Southeast corner of Lot 19, Bel Air Estates Unit 2, as filed for record December 28, 1955, in Vol. 14, page 79, Book of Maps and Plats, San Joaquin County Records; thence North 67°18' West along the South line of said Lot 19 and the North line of the Southern Pacific Railroad Company right of way 20.19 feet to the true point of beginning; thence North 22°42' East 100 feet to a point on the South line of Daisey Avenue in Alshire Park as filed for record June 28, 1955, in Vol. 14, page 60, Book of Maps and Plats, San Joaquin County Records; thence Northwesterly along the South line of said Daisey Avenue 5 feet; thence South 22°42' West 100 feet to a point on the South line of said Lot 19, and the North line of the Southern Pacific Railroad Company right of way; thence South 67°18' East 5 feet to the true point of beginning.

Description approved:

John Chapman City Eng.

Dated: Jan. 30, 1958

John Fasz
Emma Fasz

STATE OF CALIFORNIA, }
County of San Joaquin. } ss.
On FEBRUARY 3, 1958

before me, HAROLD F. BRODERICK, a Notary Public in and for said County and State, personally appeared JOHN FASZER AND EMMA FASZER

known to me to be the person^s whose name ^s subscribed to the within instrument and acknowledged that they executed the same.

(Seal) *Harold F. Broderick*
Notary Public

My Commission expires: JULY 30, 1961

When recorded, please mail this instrument to City Clerk, City Hall, Lodi, California.

RECORDING DATA

WHEN RECORDED, RETURN TO:
City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

AGREEMENT FOR THE ACQUISITION OF VACATED RIGHT-OF-WAY

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and THOMAS J. USHING AND LYNDA USHING, husband and wife, as Joint Tenants, hereinafter referred to as "Owner".

RECITALS:

City is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, depicted in Exhibit A attached hereto and incorporated herein by this reference and described as follows:

See Exhibit A

WHEREAS, the City has adopted Resolution of Vacation (Resolution No. _____ attached as Exhibit B) to vacate a 5-foot pedestrian access grant deed lying adjacent to Owner's parcel at 700 Daisy Avenue (APN 039-183-19); and

WHEREAS, the existing Public Service Easement is no longer used by the Lodi Unified School District; and

WHEREAS, the existing Public Service Easement contains no public or private utilities; and

WHEREAS, Owner wishes to acquire the vacated 5-foot pedestrian access to stop pedestrian access between Daisy Avenue and Holly Drive;

NOW THEREFORE, it is mutually stipulated and agreed as follows:

1. Owner agrees to remove and replace, at Owner's expense, the existing 5-foot pedestrian access with a fence along the new property line. The fence fronting the Union Pacific Railroad property shall be installed within 90 days of the execution of said agreement. Owner further agrees to remove the existing public improvements at its expense.
2. City agrees to present owner with a grant deed for the vacated pedestrian access in exchange for the above specified improvements.
3. Owner agrees to save, defend, indemnify and hold harmless the City, its officers, agents and employees, from liability of any nature whatsoever arising from Owner's use or occupation of the pedestrian access right-of-way.
4. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.

5. Herein is set forth the entire agreement between the parties. The performance of these conditions constitutes full performance and shall relieve City of all further obligations or claims.
6. In the event either party hereto breaches the terms, conditions and covenants of this Agreement, then, the prevailing party in any suit to enforce this Agreement or restrain the breach thereof, shall in addition to any other relief or damages awarded, be entitled to a reasonable attorney's fee and all costs of suit to be set and determined by any court of competent jurisdiction and added to any judgment obtained.
7. This agreement shall be recorded in the office of the San Joaquin County Recorder, P. O. Box 1968, Stockton, California, 95201-1968.

IN WITNESS WHEREOF, Owner and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

THOMAS J. USING

Date

LYNDA USHING

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Konradt Bartlam, City Manager

Date

ATTEST:

Randi Johl, City Clerk

Date

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney

THIS INDENTURE, made this 4th day of February, 1958
BETWEEN LODI CONSTRUCTION COMPANY, INC.

the part.Y. of the first part and the CITY OF LODI, a municipal corporation of the State of California, the party of the second part:

WITNESSETH, that the said part.Y. of the first part for value received, do hereby GRANT unto the said party of the second part and to its successors in governmental functions forever, all the certain lot....., piece....., or parcel..... of land situate, lying and being in the County of San Joaquin, State of California, and bounded and particularly described as follows:

A strip of land Five (5) feet in width being more particularly described as follows:

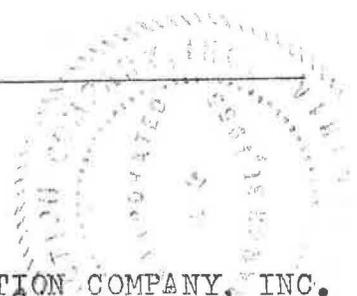
Beginning at the Southeast corner of Lot 19, Bel Air Estates Unit 2, as filed for record December 28, 1955 in Vol. 14, page 79, Book of Maps and Plats, San Joaquin County Records; thence North 67°18' West along the South line of said Lot 19 and the North line of the Southern Pacific Railroad Company right of way 25.19 feet to the true point of beginning; thence North 22°42' East 100 feet to a point on the South line of Daisey Avenue in Alshire Park, as filed for record June 28, 1955 in Vol. 14, page 60, Book of Maps and Plats, San Joaquin County Records; thence Northwesterly along the South line of said Daisey Avenue 5 feet; thence South 22°42' West 100 feet to a point on the South line of said Lot 19, and the North line of the Southern Pacific Railroad right of way; thence South 67°18' East 5 feet to the true point of beginning.

Description approved:

J.W. Chapman Asst City Eng

Dated: Feb. 4, 1958

LODI CONSTRUCTION COMPANY, INC.
By: *Max D. Stone*
President



STATE OF CALIFORNIA, }
County of San Joaquin. } ss.
On
before me, a Notary
Public in and for said County and State, personally
COUNTY OF San Joaquin }

When recorded, please mail this instrument to City Clerk, City Hall, Lodi, California.

RECORDING DATA

ON THIS 4th day of February, 1958, before me, Delpha Mooberry

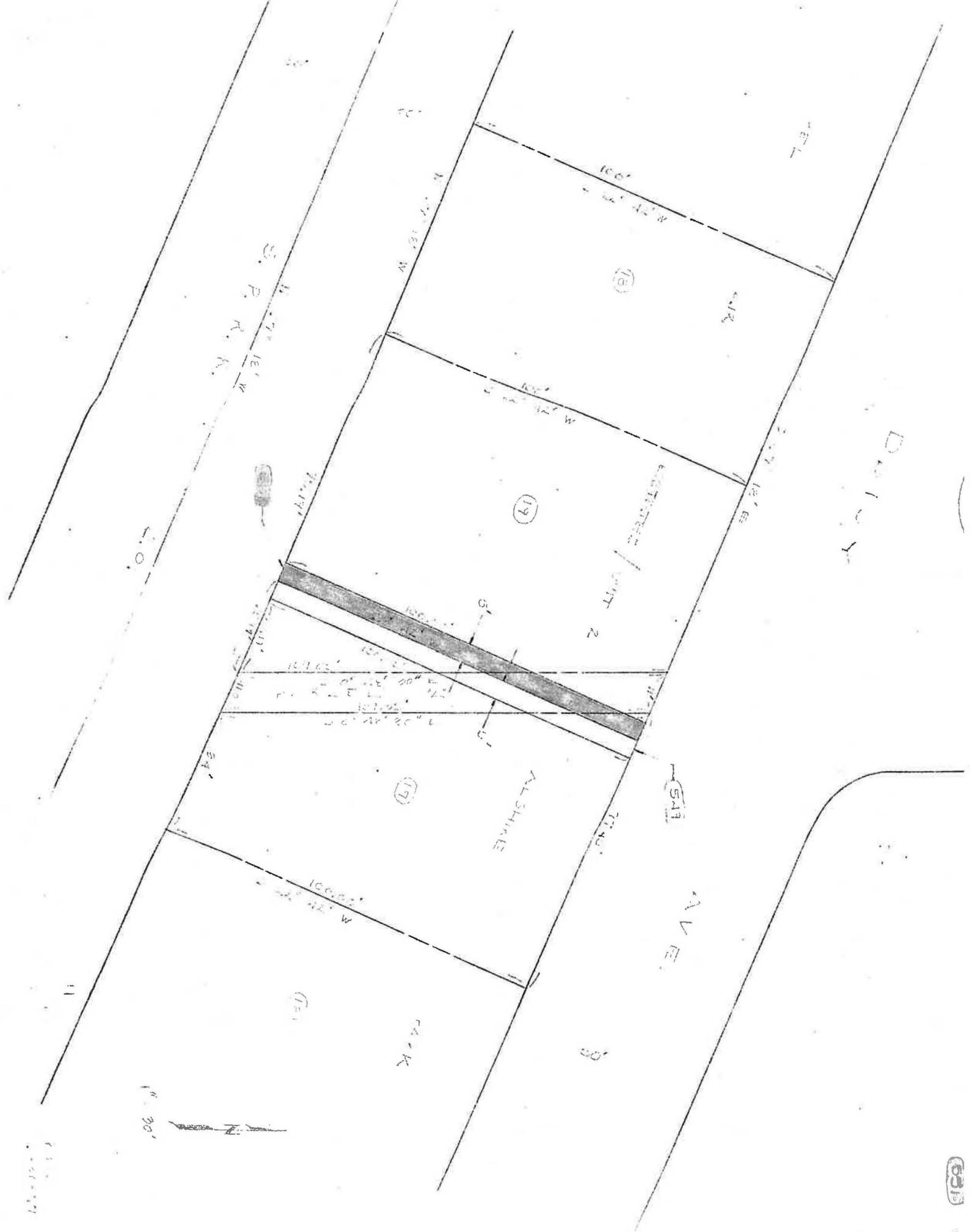
a Notary Public in and for said County and State, personally appeared Max D. Stone, known to me to be the President, and known to me to be the Secretary of the

the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS, my hand and official seal.

Delpha Mooberry
Notary Public in and for said County and State.





When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2013-101

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING
PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE
AND DAISY AVENUE, EAST OF HAM LANE

=====

WHEREAS, a pedestrian access was dedicated to the City in 1955 as part of the Bel Air Estates Subdivision and was intended for use by George Washington Elementary School students living north of Holly Drive as a pathway to get to school. Recently, Lodi Unified School District modified the school boundaries so that students residing north of Holly Drive are now within the Lakewood School boundary; and

WHEREAS, the vacation is a 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive, and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, the vacation request by Mr. Tom Ushing, who resides at 700 Daisy Avenue, is primarily driven by property owners tired of dealing with increased transient use, graffiti, fights, and motorcycle use and staff believes the crossing should be eliminated to protect public safety; and

WHEREAS, on July 9, 2012, staff notified the four adjacent property owners in writing of the terms and conditions of the proposed vacation. The home owners at 700 and 648 Daisy Avenue have both accepted and will receive half (five feet) of the City property. Only the owner at 915 Holly Drive wanted to participate and will therefore receive the entire City property (10 feet) located between 915 and 909 Holly Drive; and

WHEREAS, no public or private utilities are located within the 10-foot wide pedestrian access. All public and private utility companies and Lodi Unified School District have been contacted in writing and have approved the vacation of the pedestrian access without further comment or conditions; and

WHEREAS, the pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333); and

WHEREAS, the City owns the property in fee and a mere abandonment will not transfer title to the adjacent property owners; and

WHEREAS, the City has a past practice of trading right of way improvements for minimally valued adjacent right of way.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council finds and declares as follows:

1. The above recitals are true and correct.
2. The pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333).
3. The 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public service easement.
4. The property owners at 700 and 648 Daisy Avenue and 915 Holly Drive will be required to remove the existing fencing, possibly the pavement and replace the fencing at the owners' expense.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission.
6. The City Manager is hereby authorized to execute the agreement with the property owners to exchange right of way for demolition of public improvements.

Dated: June 5, 2013

=====

I hereby certify that Resolution No. 2013-101 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 5, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

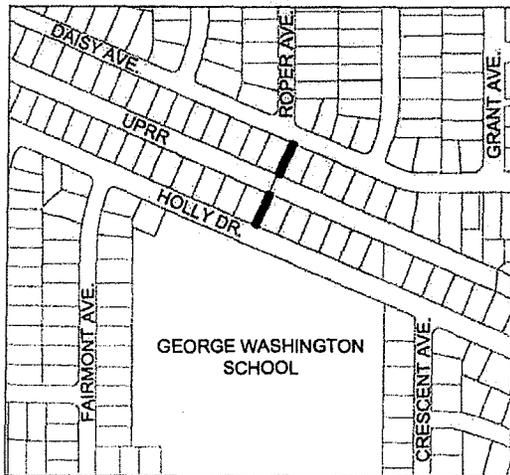
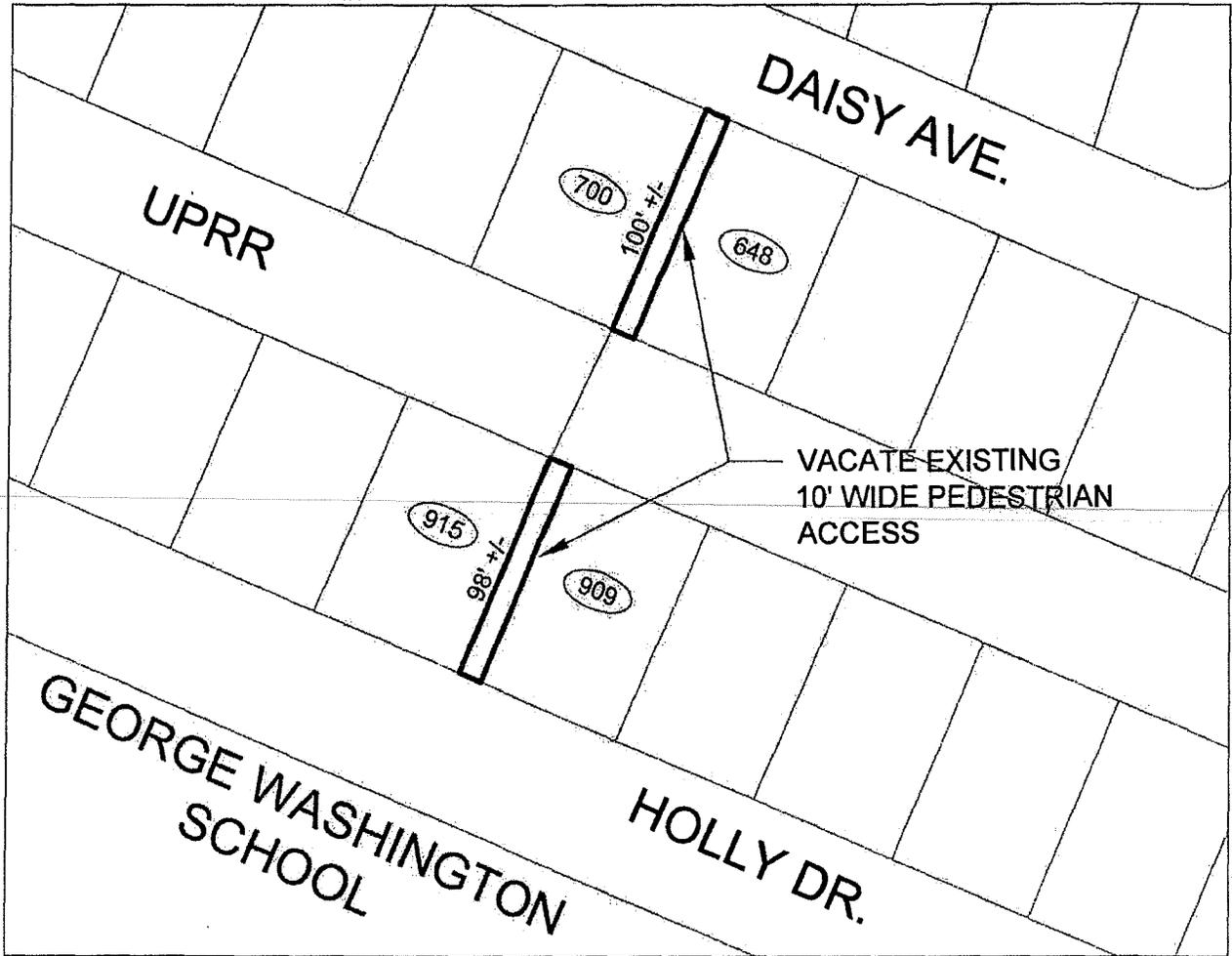

RANDI JOHL
City Clerk



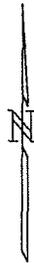
CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.



DECLARATION OF MAILING

LETTER AND RESOLUTION SUMMARILY VACATING AND ABANDONING PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE

On June 6, 2013, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing letter and resolution summarily vacating and abandoning pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

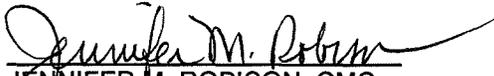
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

CITY COUNCIL

ALAN NAKANISHI, Mayor
PHIL KATZAKIAN,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

KONRADT BARTLAM
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

June 6, 2013



TO: Interested Parties

**VACATION: TO SUMMARILY VACATE AND ABANDON PEDESTRIAN
ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE,
EAST OF HAM LANE**

This is to inform you that the City Council, at its regular meeting on June 5, 2013, considered the above matter and declared the area vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a circular stamp or mark.

Randi Johl
City Clerk

RJ/jmr

Enclosure

cc: Public Works Department

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2013-101

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING
PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE
AND DAISY AVENUE, EAST OF HAM LANE

=====

WHEREAS, a pedestrian access was dedicated to the City in 1955 as part of the Bel Air Estates Subdivision and was intended for use by George Washington Elementary School students living north of Holly Drive as a pathway to get to school. Recently, Lodi Unified School District modified the school boundaries so that students residing north of Holly Drive are now within the Lakewood School boundary; and

WHEREAS, the vacation is a 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive, and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, the vacation request by Mr. Tom Ushing, who resides at 700 Daisy Avenue, is primarily driven by property owners tired of dealing with increased transient use, graffiti, fights, and motorcycle use and staff believes the crossing should be eliminated to protect public safety; and

WHEREAS, on July 9, 2012, staff notified the four adjacent property owners in writing of the terms and conditions of the proposed vacation. The home owners at 700 and 648 Daisy Avenue have both accepted and will receive half (five feet) of the City property. Only the owner at 915 Holly Drive wanted to participate and will therefore receive the entire City property (10 feet) located between 915 and 909 Holly Drive; and

WHEREAS, no public or private utilities are located within the 10-foot wide pedestrian access. All public and private utility companies and Lodi Unified School District have been contacted in writing and have approved the vacation of the pedestrian access without further comment or conditions; and

WHEREAS, the pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333); and

WHEREAS, the City owns the property in fee and a mere abandonment will not transfer title to the adjacent property owners; and

WHEREAS, the City has a past practice of trading right of way improvements for minimally valued adjacent right of way.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council finds and declares as follows:

1. The above recitals are true and correct.
2. The pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333).
3. The 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public service easement.
4. The property owners at 700 and 648 Daisy Avenue and 915 Holly Drive will be required to remove the existing fencing, possibly the pavement and replace the fencing at the owners' expense.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission.
6. The City Manager is hereby authorized to execute the agreement with the property owners to exchange right of way for demolition of public improvements.

Dated: June 5, 2013

=====

I hereby certify that Resolution No. 2013-101 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 5, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

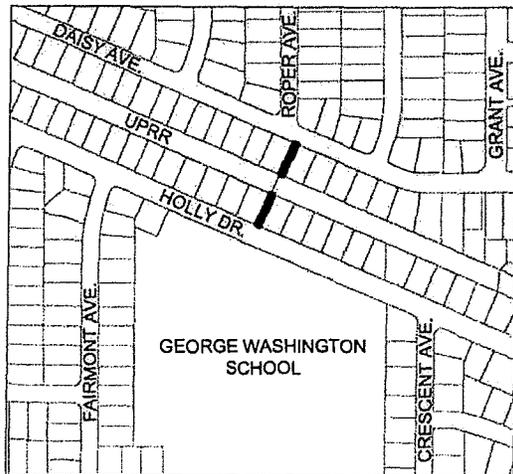
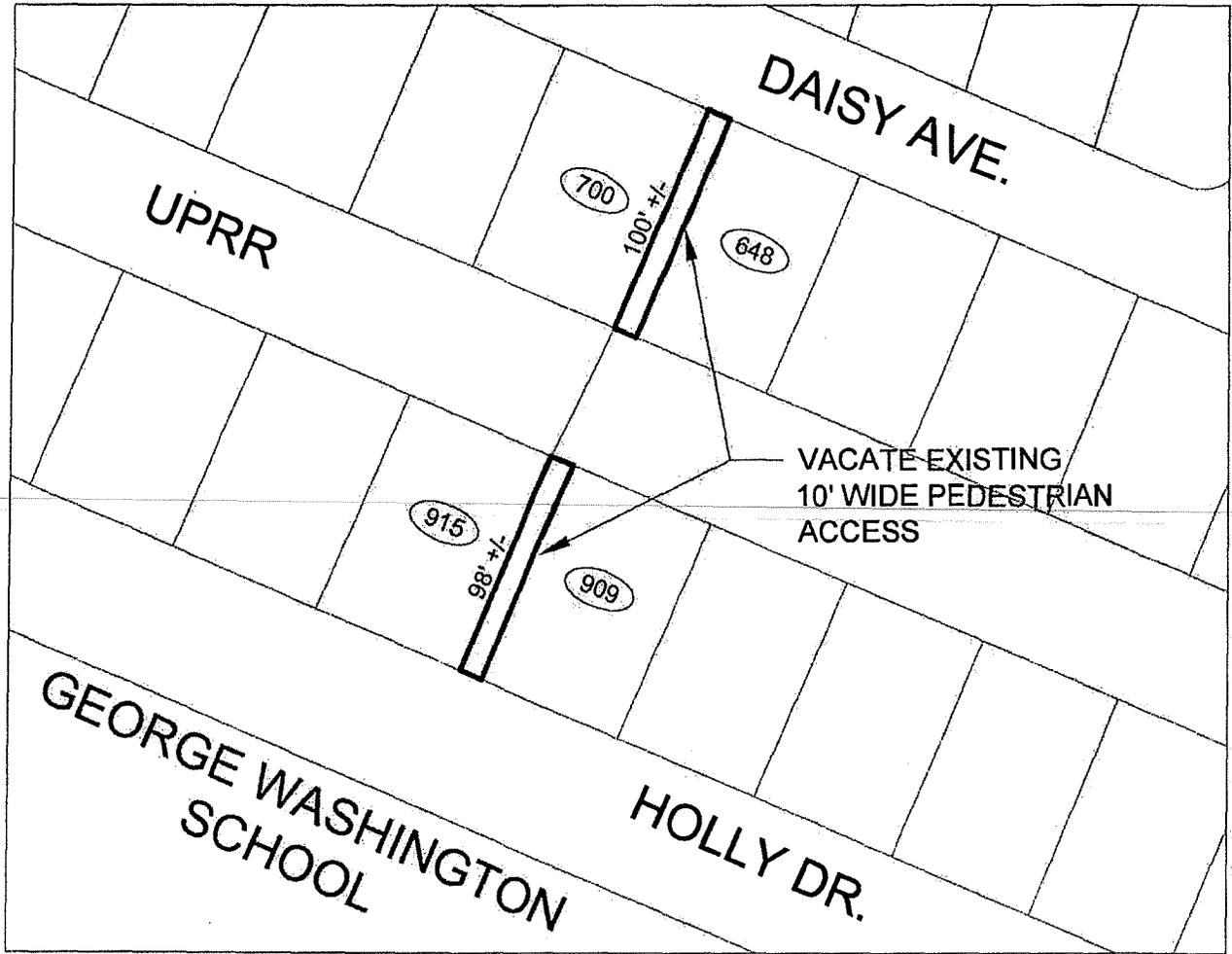

RANDI JOHL
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.

VACATION / ABANDONMENT
MAILING LIST

EXHIBIT B

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6505 Tam O Shanter Drive
Stockton, CA 95210

AT&T California
Attn: Engineering/Public Works Dept.
2300 E. Eight Mile Road
Stockton, CA 95210

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Denise Wiman, Public Works

Chris Boyer, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Denise Wiman, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

Public Hearing to Abandon Pedestrian Access Connecting Daisy Avenue and Holly Drive

APN	OWNER_NAME	OWNER_STREET	CITY STATE ZI	SITUS_ADDRESS
3710035	LODI UNIFIED SCHOOL DISTRICT	1305 E VINE ST	LODI CA 95240	825 W LOCKEFORD ST
3711001	WEBBER, DAVID L & DIANE E	1015 HOLLY DR	LODI CA 95240	1015 HOLLY DR
3711002	MORTENSON, MABEL A	1009 HOLLY DR	LODI CA 95240	1009 HOLLY DR
3711003	MORTENSON, LANCE C	506 PLUM CT	LODI CA 95242	1001 HOLLY DR
3711004	WOEHL, DARWIN & LAVONE L TR	921 HOLLY DR	LODI CA 95240	921 HOLLY DR
3711005	LONG, CAROL L TR	928 CHISHOLM TRAIL	GALT CA 95632	915 HOLLY DR
3711006	SHAH, SYED ZAHIR & TASNIM ZAHI	1953 VICTORIA DR	LODI CA 95242	909 HOLLY DR
3711007	ISHFAQ, MUHAMMAD M & HASEEN	901 HOLLY DR	LODI CA 95240	901 HOLLY DR
3711008	LANE, KENNETH & PAT	833 HOLLY DR	LODI CA 95242	833 HOLLY DR
3711009	KORPHAGE, JOHN F & DONNA L TR	1301 EDGEWOOD DR	LODI CA 95240	827 HOLLY DR
3711010	MIRELES, TOMAS JR	821 HOLLY DR	LODI CA 95240	821 HOLLY DR
UNION PACIFIC RAILROAD				
3901004	COMPANY CO BARBARA HOLDER	1416 DODGE ST ROOM 830	OMAHA NE 68179	0
3918121	JOACHIM, LLOYD J TR	701 ROPER AVE	LODI CA 95240	701 ROPER AV
3918122	FEDORCHAK, BRIAN J & HEIDI W	661 ROPER AVE	LODI CA 95240	661 ROPER AV
3918123	GRUBER, DANIEL M & D	649 ROPER AV	LODI CA 95240	649 ROPER AV
3918124	HENDRICKS, EDITH I	715 DAISY AVE	LODI CA 95240	715 DAISY AV
3918125	MINNEMA, NANCY P	23192 N DUSTIN RD	ACAMPO CA 95220	735 DAISY AV
3918126	PINNELL, BETTY ANN TR	806 BEL AIR CT	LODI CA 95240	806 BEL AIR CT
3918315	PASCUCCI, MICHELLE E	740 DAISY AVE	LODI CA 95240	740 DAISY AV
3918316	RACKLEY, JANICE TR	715 BRANDYWINE DR	LODI CA 95240	730 DAISY AV
3918317	ALBERS, BRUCE	720 DAISY AVE	LODI CA 95240	720 DAISY AV
3918318	THEILEN, KENNETH & JANET	710 W DAISEY AVE	LODI CA 95240	710 DAISY AV
3918319	USHING, THOMAS & LYNDA	700 DAISY AV	LODI CA 95240	700 DAISY AV
3919001	BINDEL, BRUCE A	653 DAISY AVE	LODI CA 95240	653 DAISY AV
3919002	CARROLL, JAMES W	PO BOX 2398	LODI CA 95241	647 DAISY AV
3919003	CIARAMITARO, BRIAN T	631 N CRESCENT AVE	LODI CA 95240	631 N CRESCENT AV
3919004	DERENIWSKI, KIMBERLEE TR	641 DAISY AVE	LODI CA 95240	641 DAISY AV
3919005	ONEILL, SUSAN BRIDGET	635 DAISY AVE	LODI CA 95240	635 DAISY AV
3919007	DOUGHERTY, TIMOTHY J & VICKI A	620 N CRESCENT AVE	LODI CA 95240	620 N CRESCENT AV
3919008	ELWOOD, TAMARA TR	7777 SOUTHWORTH	VALLEY SPRINGS CA 95252	625 DAISY AV
3919015	GARRISON, STEVEN D	624 DAISY AVE	LODI CA 95240	624 DAISY AV
3919016	IMAI, MARY M TR	630 DAISY AVE	LODI CA 95240	630 DAISY AV
3919017	FASZER, ANNETTE K TR	636 DAISY AVE	LODI CA 95240	636 DAISY AV
3919018	HORST, NADINE V TR	642 DAISY AVE	LODI CA 95240	642 DAISY AV
3919019	FUGATE, AUDRIE E TR	648 DAISY AVE	LODI CA 95240	648 DAISY AV
3921017	HOHENTHANER, RICHARD D	661 N CRESCENT AVE	LODI CA 95240	661 N CRESCENT AV
3921018	BRUMLEY, WALTER E JR & NANCY L	651 N CRESCENT AVE	LODI CA 95240	651 N CRESCENT AV
3921019	HAUSER	594 ORANGEWOOD DR	FREMONT CA 94536	641 N CRESCENT AV
3921020	REINHARDT, BARBARA J	640 ROPER AVE	LODI CA 95240	640 ROPER AV
3921021	BELLETTI, DIXIE LF EST	650 ROPER AVE	LODI CA 95240	650 ROPER AV
3921022	CHRISTENSEN, JAN ELIN	660 ROPER AVE	LODI CA 95240	660 ROPER AV
3921023	FOCACCI, KATHLEEN J	700 ROPER AVE	LODI CA 95240	700 ROPER AV

3919018 HORST, NADINE V TR
3919019 FUGATE, AUDRIE E TR
3921017 HOHENTHANER, RICHARD D
3921018 BRUMLEY, WALTER E JR & NANCY L
3921019 BRESSLER, RUTH T
3921020 REINHARDT, BARBARA J
3921021 BELLETTO, DIXIE LF EST
3921022 CHRISTENSEN, JAN ELIN
3921023 FOCACCI, KATHLEEN J

642 DAISY AVE
648 DAISY AVE
661 N CRESCENT AVE
651 N CRESCENT AVE
RUTH T HAU 594 ORANGEWOOD DR
640 ROPER AVE
650 ROPER AVE
660 ROPER AVE
700 ROPER AVE

LODI CA 95240
LODI CA 95240
LODI CA 95240
LODI CA 95240
FREMONT CA 94536
LODI CA 95240
LODI CA 95240
LODI CA 95240
LODI CA 95240

642 DAISY AV
648 DAISY AV
661 N CRESCENT AV
651 N CRESCENT AV
641 N CRESCENT AV
640 ROPER AV
650 ROPER AV
660 ROPER AV
700 ROPER AV



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION
TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY
DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

**PUBLISH DATE: SATURDAY, MAY 4, 2013
SATURDAY, MAY 11, 2013**

LEGAL AD

TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
LNS ACCT. #0510052 City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910**

DATED: THURSDAY, MAY 2, 2013

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
LNS _____ Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMR (initials)

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, as shown on Exhibit A, which is on file in the City Clerk's Office.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, **June 5, 2013, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

=====

I hereby certify that Resolution No. 2013-81 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 1, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

RANDI JOHL
City Clerk



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE

On Thursday, May 2, 2013, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane (attached and marked as Exhibit A) was posted at the following locations:

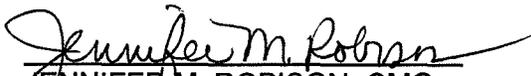
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING

EXHIBIT A

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, **June 5, 2013, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

=====

I hereby certify that Resolution No. 2013-81 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 1, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

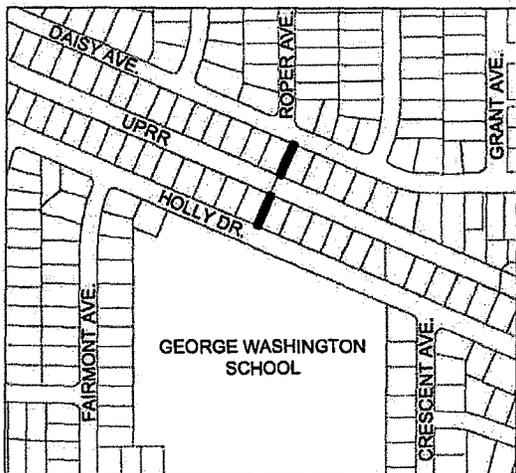
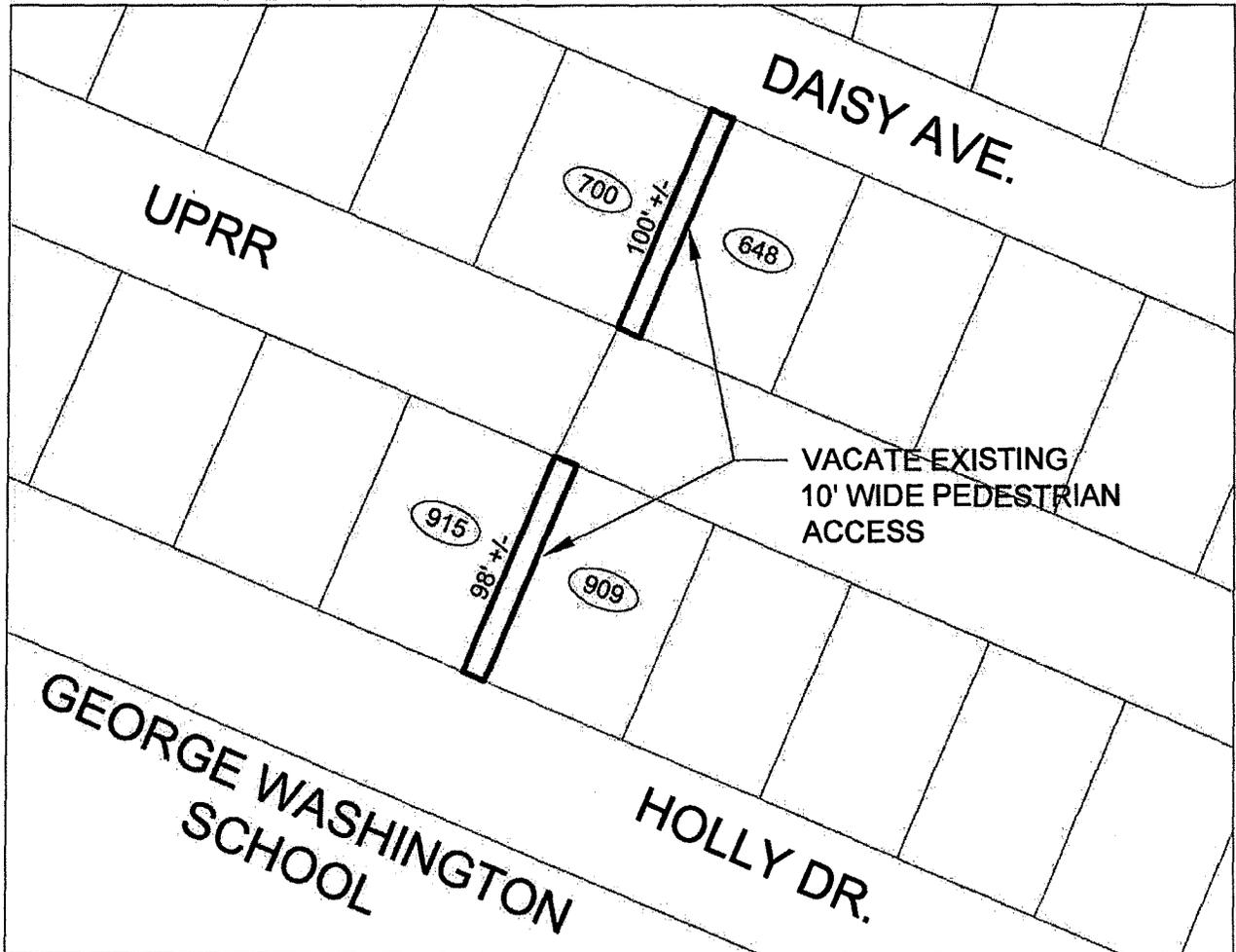

RANDI JOHL
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE

On Thursday, May 2, 2013, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

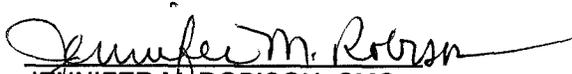
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

CITY COUNCIL

ALAN NAKANISHI, Mayor
PHIL KATZAKIAN,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

KONRADT BARTLAM
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney



May 2, 2013

TO: Interested Parties

**VACATION: INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN
HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

This is to inform you that the City Council, at its regular meeting on May 1, 2013, adopted a Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set a public hearing for June 5, 2013.

Enclosed for your information is a copy of the resolution along with a map of the area to be abandoned.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.

A handwritten signature in black ink, appearing to be "Randi Johl", written in a cursive style.

Randi Johl
City Clerk

RJ/jmr

Enclosure

cc: Public Works Director

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, **June 5, 2013, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

=====

I hereby certify that Resolution No. 2013-81 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 1, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

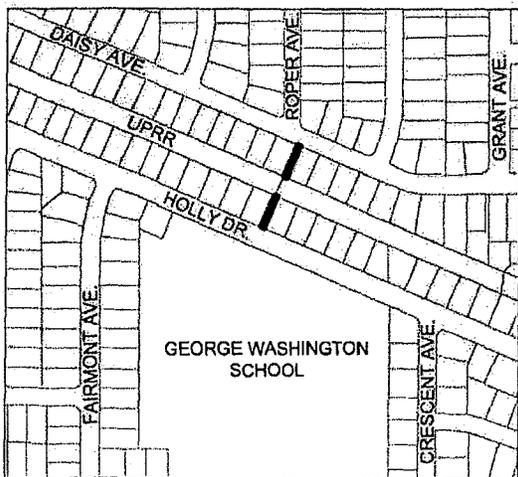
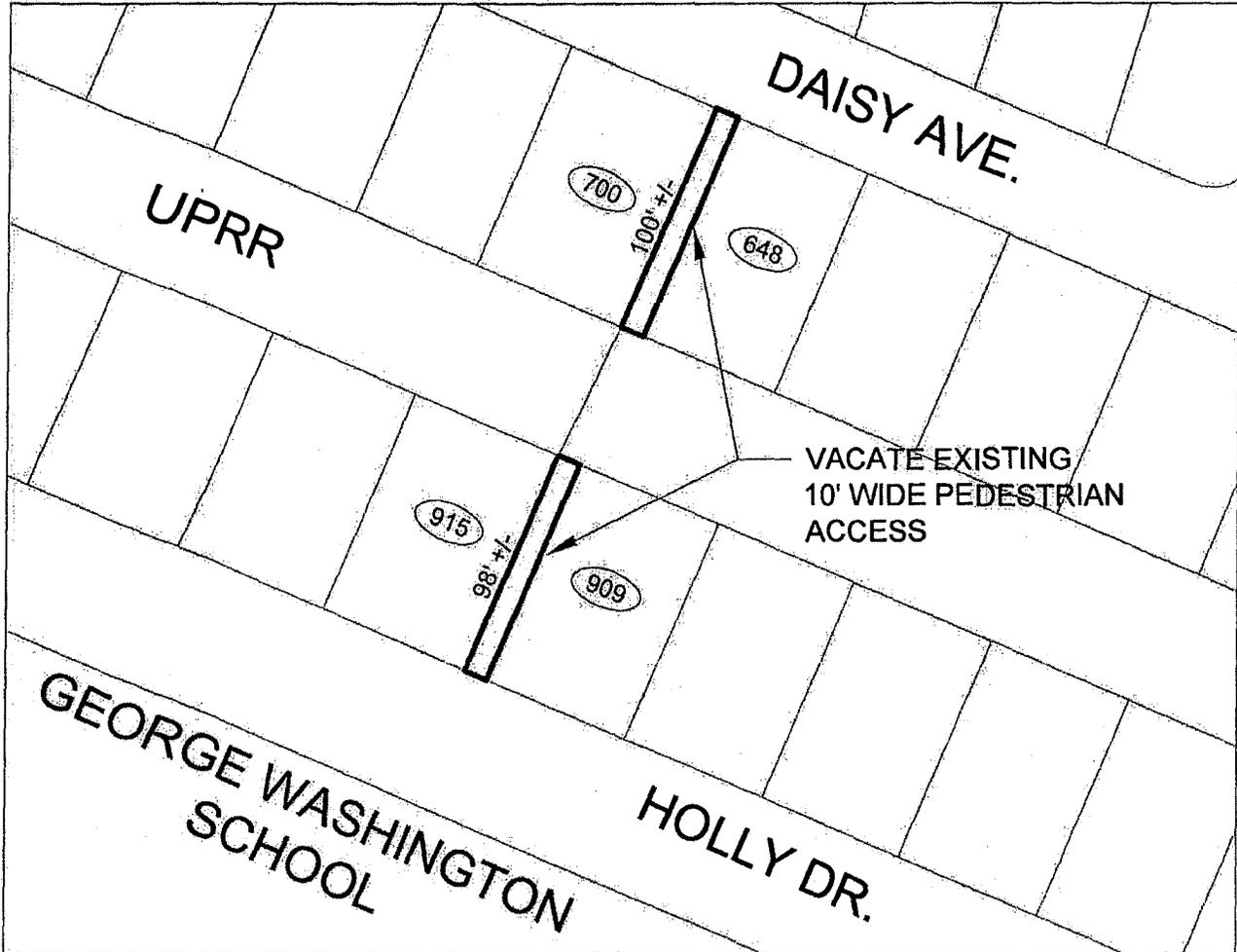

RANDI JOHL
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.

**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6505 Tam O Shanter Drive
Stockton, CA 95210

AT&T California
Attn: Engineering/Public Works Dept.
2300 E. Eight Mile Road
Stockton, CA 95210

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Denise Wiman, Public Works

Chris Boyer, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E
AT&T
Pacific Bell
Central Valley Waste Services
Chief Deputy County Surveyor
Denise Wiman, Public Works
Wes Fujitani, Public Works
Community Development Department
Police Department
Fire Department

APN	OWNER_NAME	CARE_OF	OWNER_STREET	CITY STATE ZIP	SITUS_ADDRESS
3710035	LODI UNIFIED SCHOOL DISTRICT		1305 E VINE ST	LODI CA 95240	825 W LOCKEFORD ST
3711001	WEBBER, DAVID L & DIANE E		1015 HOLLY DR	LODI CA 95240	1015 HOLLY DR
3711002	MORTENSON, MABEL A		1009 HOLLY DR	LODI CA 95240	1009 HOLLY DR
3711003	MORTENSON, LANCE C		506 PLUM CT	LODI CA 95242	1001 HOLLY DR
3711004	WOEHL, DARWIN & LAVONE L TR		921 HOLLY DR	LODI CA 95240	921 HOLLY DR
3711005	LONG, CAROL L TR		928 CHISHOLM TRAIL	GALT CA 95632	915 HOLLY DR
3711006	SHAH, SYED ZAHIR & TASNIM ZAHI		1953 VICTORIA DR	LODI CA 95242	909 HOLLY DR
3711007	ISHFAQ, MUHAMMAD M & HASEENA		901 HOLLY DR	LODI CA 95240	901 HOLLY DR
3711008	LANE, KENNETH & PAT		833 HOLLY DR	LODI CA 95242	833 HOLLY DR
3711009	KORPHAGE, JOHN F & DONNA L TR		1301 EDGEWOOD DR	LODI CA 95240	827 HOLLY DR
3711010	MIRELES, TOMAS JR		821 HOLLY DR	LODI CA 95240	821 HOLLY DR
3901004	UNION PACIFIC RAILROAD COMPANY	BARBARA H	1416 DODGE ST ROOM 830	OMAHA NE 68179	
3918121	JOACHIM, LLOYD J TR		701 ROPER AVE	LODI CA 95240	701 ROPER AV
3918122	FEDORCHAK, BRIAN J & HEIDI W		661 ROPER AVE	LODI CA 95240	661 ROPER AV
3918123	GRUBER, DANIEL M & D		649 ROPER AV	LODI CA 95240	649 ROPER AV
3918124	HENDRICKS, EDITH I		715 DAISY AVE	LODI CA 95240	715 DAISY AV
3918125	MINNEMA, NANCY P		23192 N DUSTIN RD	ACAMPO CA 95220	735 DAISY AV
3918126	PINNELL, BETTY ANN TR		806 BEL AIR CT	LODI CA 95240	806 BEL AIR CT
3918315	PASCUCCI, MICHELLE E		740 DAISY AVE	LODI CA 95240	740 DAISY AV
3918316	RACKLEY, JANICE TR		715 BRANDYWINE DR	LODI CA 95240	730 DAISY AV
3918317	ALBERS, BRUCE		720 DAISY AVE	LODI CA 95240	720 DAISY AV
3918318	THEILEN, KENNETH & JANET		710 W DAISEY AVE	LODI CA 95240	710 DAISY AV
3918319	USHING, THOMAS & LYNDA		700 DAISY AV	LODI CA 95240	700 DAISY AV
3919001	BINDEL, BRUCE A		653 DAISY AVE	LODI CA 95240	653 DAISY AV
3919002	CARROLL, JAMES W		PO BOX 2398	LODI CA 95241	647 DAISY AV
3919003	CIARAMITARO, BRIAN T		631 N CRESCENT AVE	LODI CA 95240	631 N CRESCENT AV
3919004	DERENIWSKI, KIMBERLEE TR		641 DAISY AVE	LODI CA 95240	641 DAISY AV
3919005	ONEILL, SUSAN BRIDGET		635 DAISY AVE	LODI CA 95240	635 DAISY AV
3919007	DOUGHERTY, TIMOTHY J & VICKI A		620 N CRESCENT AVE	LODI CA 95240	620 N CRESCENT AV
3919008	ELWOOD, TAMARA TR		7777 SOUTHWORTH	VALLEY SPRINGS CA 95252	625 DAISY AV
3919015	GARRISON, STEVEN D		624 DAISY AVE	LODI CA 95240	624 DAISY AV
3919016	IMAI, MARY M TR		630 DAISY AVE	LODI CA 95240	630 DAISY AV
3919017	FASZER, ANNETTE K TR		636 DAISY AVE	LODI CA 95240	636 DAISY AV

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3919018 HORST, NADINE V TR	642 DAISY AVE	LODI CA 95240	642 DAISY	AV
3919019 FUGATE, AUDRIE E TR	648 DAISY AVE	LODI CA 95240	648 DAISY	AV
3921017 HOHENTHANER, RICHARD D	661 N CRESCENT AVE	LODI CA 95240	661 N CRESCENT	AV
3921018 BRUMLEY, WALTER E JR & NANCY L	651 N CRESCENT AVE	LODI CA 95240	651 N CRESCENT	AV
3921019 BRESSLER, RUTH T	RUTH T HAU 594 ORANGEWOOD DR	FREMONT CA 94536	641 N CRESCENT	AV
3921020 REINHARDT, BARBARA J	640 ROPER AVE	LODI CA 95240	640 ROPER	AV
3921021 BELLETTO, DIXIE LF EST	650 ROPER AVE	LODI CA 95240	650 ROPER	AV
3921022 CHRISTENSEN, JAN ELIN	660 ROPER AVE	LODI CA 95240	660 ROPER	AV
3921023 FOCACCI, KATHLEEN J	700 ROPER AVE	LODI CA 95240	700 ROPER	AV



MEMORANDUM
Office of the Lodi City Clerk

TO: Public Works Director

FROM: Randi Johl
City Clerk *RJ*

DATE: May 2, 2013

SUBJECT: RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN
ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF
HAM LANE

Please be advised that the City Council, at its meeting of May 1, 2013, adopted the attached resolution declaring its intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set the matter for public hearing on June 5, 2013.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.

RJ/jmr

Attachment